



Written Testimony
by
Robert Velcoff, President
Eastern Regional Interstate Child Support Association
on
No-Cost Improvements to Child Support Enforcement
Submitted to the
HOUSE WAYS AND MEANS COMMITTEE
HUMAN RESOURCES SUBCOMMITTEE
Subcommittee Hearing
Tuesday, March 20, 2012
2:00 P.M.
1100 Longworth House Office Building
Washington, DC

Dear Chairman Davis, Ranking Member Doggett, and members subcommittee,

I am writing on behalf of the Eastern Regional Interstate Child Support Association (ERICSA). ERICSA is a leading advocate for effective interstate child support case processing and actively participates in efforts to improve the laws, policies, and practices that govern interstate child support.

ERICSA is a non-profit organization dedicated for over 49 years to promoting the well-being of children and families, focusing particularly on intergovernmental cases. We represent judges and other decision-makers, public and private attorneys, and child support professionals from throughout the country. ERICSA historically has drawn its membership from persons working for or doing business with tribes and states and their local jurisdictions that border on, or are east of, the Mississippi River. ERICSA holds an annual training conference and provides policy positions on key issues affecting child support. Throughout this last half-century, we have engaged with federal and state legislators in the creation, evolution and expansion of a program that provides critical financial support to over 16 million families, many of whom have moved from welfare to self-sufficiency due in significant part to the child and medical support established and enforced through the IV-D program. And we have done so efficiently.

The “International Child Support Recovery Improvement Act of 2012” introduced on March 28, 2012 (H.R. 4282) highlights the continued bi-partisan support in Congress and the nation for the child support program. Even in these difficult economic times, the child support program has elicited strong support because of its cost effectiveness and its positive influence on societal self expectations that every child deserves support and acknowledgement from parents. ERICSA has a long-standing commitment to the U.S. ratification and implementation of the Hague Convention on the International Recovery of Child Support and other forms of Family Maintenance. We are therefore very supportive of the Act’s “Amendments to Ensure Access to Child Support Services for International Child Support Cases” (section 2).

The Uniform Interstate Family Support Act (UIFSA) is the appropriate mechanism for implementing the Hague Convention in the United States. The positive change to interstate and international child support enforcement resulting from UIFSA cannot be overstated. UIFSA has instilled fairness and harmonized legal proceedings in intergovernmental child support cases, to the benefit of all parties, and most importantly to the children for whom child support was so difficult to establish and enforce under predecessor state laws.

ERICSA has been an active partner with the Uniform Law Commission (ULC) Drafting Committee. One or more ERICSA representatives served as official observers, participating fully in the creation of UIFSA in 1992, subsequent amendments in 1996 and 2001, and most recently in the development of the international provisions in 2008. Built on the improvements made in 2001, the 2008 amendments implement the Hague Maintenance Convention in the United States. We believe there is universal agreement among child support professionals that UIFSA 2008 should be the required law in every state. ERICSA has consistently urged Congress to update section 466(f) of the Social Security Act to require that states enact the most recent version of UIFSA. Currently there is no uniformity among the states. Some states have the mandated 1996 version; others enacted the 2001 amendments using a request for a state plan waiver. Appended is a list of current state adoptions.

We strongly support conforming amendments to section 1738B of title 28, United States Code, the Federal Full Faith and Credit for Child Support Orders Act (FFCCSOA). In addition to the amendments noted in H.R. 4282, we encourage Congress to harmonize further UIFSA and FFCCSOA and clarify that the two acts are consistent.

Thank you for the opportunity to offer these written comments. ERICSA stands ready to provide further assistance, as needed.

Sincerely,

/s/

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POLICY STATEMENT

The Eastern Regional Interstate Child Support Association (ERICSA) is a not-for-profit organization that recognizes that the family is the basic unit of our society. A primary purpose of ERICSA, as specified in Article II, Section 1, of its bylaws, is to recommend support for or changes to legislation and regulations concerned with the welfare of children and families, especially in the area of paternity and child support. This document sets forth the principles that guide ERICSA in its evaluation of such legislation and regulations.

The Best Interests of the Child. Legislative and regulatory proposals should be informed by an assessment of the best interests of children. Recognizing that this imperative must sometimes be balanced against the restrictions of funding, both public and private, this principle is paramount as ERICSA evaluates legislation and regulations concerned with the health and welfare of children and families.

Balancing the Need for Uniformity with Recognition of the Differences among States, Territories and Tribes. Legislative and regulatory proposals should be assessed with regard for the diverse legal traditions and governmental infrastructures among states, territories and tribes. This diversity must be balanced against the necessity for a degree of uniformity in laws and procedures that constitute the foundation of the child support program, serving all children and families as they move or relocate across state lines.

Family is Fundamental. Family remains society's primary institution for supporting children's growth and development. Legislative and regulatory proposals should be considered in light of this principle, taking into consideration factors detrimental to the best interests of the child, including the lack of financial support and health care, and the scourge of family violence and child abuse.

Parental Responsibility. Parents bear primary responsibility for meeting the physical, emotional and intellectual needs of their children. Legislative and regulatory proposals should be evaluated with this principle in mind, recognizing that parents may lack the resources – whether material, monetary or personal – to fulfill this responsibility.

Prevention is Key. Preventing problems before they become crises is the most effective – and cost-effective – way to address the needs of troubled families and vulnerable children. Prevention -- and early intervention -- should be a prominent principle that drives legislative and regulatory proposals.

Collaboration is Essential. Community institutions including, but not limited to, schools, employers, faith-based and non-profit community-based organizations, contribute to the creation of an environment that is supportive of children and parents. Government entities at the local, state and national levels – including the executive, legislative and judicial branches – also serve a vital role. ERICSA will evaluate legislative and regulatory proposals with a focus on the need to optimize collaboration among public and private entities to fulfill the intended purpose of such proposals.

Uniform Law Commission

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UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA)

UIFSA (2001) The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 mandated that all states enact UIFSA (1996) (42 U.S.C. §666(f)). All states complied. After passage of the UIFSA (2001) amendments, OCSE-AT-02-02 notified states that they could request a state plan exemption should they choose to enact UIFSA (2001). Twenty-two states now have UIFSA (2001); the remaining states continue to have UIFSA (1996).

An electronic version of UIFSA (2001) is not currently on the NCCUSL website. However, an OCSE TEMPO – 2001 Revisions to the Uniform Family Support Act (UIFSA) is found at:

<http://www.acf.hhs.gov/programs/cse/pol/IM/2003/im-03-01a.htm>

See also, John J. Sampson & Barry Brooks, *Uniform Interstate Family Support Act (2001) With Prefatory Note and Comments (With Still More Unofficial Annotations)*, 36 FAM. L. Q. 329 (2002) (Available on Westlaw and Lexis).

UIFSA (2001) is in effect in 22 states: *Arizona, Colorado, Connecticut, Delaware, District of Columbia, Idaho, Illinois, Maine, Maryland, Mississippi, Nebraska, Nevada, New Mexico, Oklahoma, Rhode Island, South Carolina, Texas, Utah, Virginia, Washington, West Virginia, and Wyoming.* All have received a state plan exemption from OCSE.

UIFSA (2001) was enacted in California years ago but is effective only upon federal waiver or change in federal mandate from 1996 to 2001; a state plan exemption request has not been submitted to OCSE.

UIFSA (2008) The 2008 UIFSA amendments are a limited revision of UIFSA (2001) made by the Uniform Law Commission to comport with the obligations of the United States under the new *Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance* (Convention). UIFSA 2008 (without comments) is found at:
<http://www.law.upenn.edu/bll/archives/ulc/uifsa/2008final.htm>

See also, *Uniform Interstate Family Support Act (Last Amended or Revised in 2008) With Prefatory Note and Comment*, 43 FAM. L. Q.75 (Vol.1 Spring 2009)

In DCL-08-41, OCSE provided information for states interested in enacting UIFSA (2008) prior to the change in federal mandate. States may enact UIFSA 2008 verbatim with a provision that the effective date of its enactment will be delayed until the Treaty is ratified and the United States deposits its instrument of ratification. States that choose to follow this process do not need to request an exemption from OCSE.

The 2008 Amendments have been enacted in *Florida, Maine, Missouri, Nevada, New Mexico, North Dakota, Rhode Island, Tennessee, Utah and Wisconsin*; however, they will not come into effect until (at least) the Convention is ratified. To date in 2012, bills to enact the amendments also have been introduced in *Hawaii, Puerto Rico, Minnesota, and Washington.*